

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 20655
of Eugene Frank Mitchell and
Irma L. Mitchell to Appropriate
from Wilson Creek in Humboldt County

Decision D 1146

ADOPTED AUG 26 1963

DECISION APPROVING APPLICATION

Eugene Frank Mitchell and Irma L. Mitchell having filed Application 20655 for a permit to appropriate unappropriated water; a protest having been received; the applicants and protestant having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; an investigation having been made by the State Water Rights Board pursuant to said stipulation; the Board, having considered all available information and now being fully advised in the premises, finds as follows:

1. Application 20655 is for a permit to appropriate 2 cubic feet per second (cfs) by direct diversion from November 1 to April 30 of each year for mining and domestic purposes from Wilson Creek in Humboldt County. The point of diversion is to be located within the $SE\frac{1}{4}$ of the $SW\frac{1}{4}$ of Section 17, T11N, R6E, HB&M.

2. The protestant and his predecessors in interest have used water of Wilson Creek each year since prior to 1914 for domestic purposes at one residence and for the irrigation of

approximately 10 acres of pasture. In extremely dry years irrigation of the pasture has commenced as early as the month of March and has been required as late as November. Protestant's requirements during the months of March, April and November are less than 0.05 cfs on a continuous flow basis. The flow at the protestant's point of diversion on April 11, 1962, was about 15 cfs. In a year of average rainfall the minimum flow at the protestant's point of diversion exceeds 1 cfs during the November 1 through April 30 period.

3. There is unappropriated water available to supply the applicants, and subject to suitable conditions, such water may be diverted and used in the manner proposed without causing substantial injury to any lawful user of water.

4. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 20655 should be approved and that a permit should be issued to the applicants subject to the limitations and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining the matter are: Application 20655 and all relevant information on file therewith, particularly the report of the field investigation made May 13, 1963; USGS Quadrangle Map, "Orleans, 1952," of the 7.5-minute series; State Water Resources Board Bulletin 1, with particular reference to precipitation data on Plate 3, page 60, and Table 18, Vol. 1 of Bulletin 2, State Water Resources Board.

IT IS HEREBY ORDERED that Application 20655 be, and the same is, approved, and that a permit be issued to the applicants subject to vested rights and to the following limitations and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used and shall not exceed 2 cubic feet per second by direct diversion to be diverted from about November 1 to about April 30 of each year.

2. The maximum amount herein stated may be reduced in the license if investigation warrants.

3. Actual construction work shall begin on or before June 1, 1964, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

4. Construction work shall be completed on or before December 1, 1966.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1967.

6. Progress reports shall be filed promptly by permittees on forms which will be provided annually by the State Water Rights Board until license is issued.

7. All rights and privileges under this permit including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

8. Permittees shall allow representatives of the State Water Rights Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, on the _____ day of _____, 1963.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member

